

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION - LOS ANGELES

4 LORENA GODINEZ,) Case No. CV 17-5072-FLA (RAOx)
5 Plaintiff,)
6 v.) Los Angeles, California
7 BMW OF NORTH AMERICA, LLC,) Tuesday, November 5, 2019
8 et al.,) 9:03 A.M. to 9:10 A.M.
9 Defendants.)
_____)

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12 TRANSCRIPT OF PROCEEDINGS
13 BEFORE THE HONORABLE OTIS D. WRIGHT II
14 UNITED STATES DISTRICT JUDGE

15 Appearances: See Page 2
16 Deputy Clerk: Sheila English
17 Court Reporter: Recorded; CourtSmart
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1 LOS ANGELES, CALIFORNIA, TUESDAY, NOVEMBER 5, 2019, 9:03 A.M.

2 THE COURT: Okay. Let's go on the record.

3 THE CLERK: Calling Item 1, CV 17-5072,
4 *Lorena Godinez v. BMW of North America, LLC, et al.*

5 Counsel, may I have your appearances, please.

6 RICHARD M. WIRTZ: Good morning, Your Honor.
7 Richard Wirtz appearing for the plaintiff, Lorena Godinez.

8 JESSICA R. UNDERWOOD: Good morning, Your Honor.
9 Jessica Underwood also appearing for the plaintiff.

10 THE COURT: Good morning, counsel.

11 DANIEL R. VILLEGAS: Dan Villegas, Your Honor,
12 appearing for BMW North America.

13 THE COURT: Good morning, sir.

14 ANDREW K. STEFATOS: Good morning, Your Honor.
15 Andrew Stefatos on behalf of BMW N.A.

16 THE COURT: All right. Good morning.

17 All right. We're here for the first day of this
18 trial, but as we discussed while we were off the record
19 waiting, we have problems.

20 Let me take care of at least one thing that's been
21 hanging for some time, and that is motions in limine where I
22 reserved ruling on two of them. The first one was
23 defendant's motion in limine No. 2 to exclude evidence of
24 alleged defects which manifested themselves after the
25 expiration of the warranty, and I'm going to grant that

1 motion. And the other one is 47, defendant's No. 3, to
2 exclude evidence of defects which were never presented for
3 repair. I'm going to grant that as well.

4 Now, moving on with respect to one of the
5 significant items that was supposed to be jointly presented,
6 the jury instructions. First, we had about 20 that were
7 disputed, and apparently you all have now narrowed that down
8 to less than a dozen, but I still need an agreed-upon joint
9 set of jury instructions, and I don't know if there's some
10 problem with counsel being able to work together, but that is
11 a problem that counsel are going to have to work out. We
12 make it pretty clear what we expect in terms of trial
13 documents, and I don't want a plaintiff's set and a
14 defendant's set. I want a joint set of all of the trial
15 documents, and we will keep continuing these things until I
16 finally get a joint set of agreed-upon jury instructions.

17 I'll tell you yet again: Stick with the court-
18 authorized jury instructions. If you have found a case with
19 some dicta that you like, resist the temptation. I'm not
20 going to give those. Jury instructions are deemed to be
21 extremely important by the appellate courts. So let's not
22 start freestyling with the jury instructions. Open up a
23 book; find the instruction on the legal point that you wish
24 to have the jury instructed on; I will give those. These
25 things that you have found in some case, I will not give,

1 period.

2 All right. This matter is continued. February 25,
3 2020, 8:30. Before then, I expect to see all of the required
4 joint trial documents. Otherwise, we will do it again.

5 All right. We're done.

6 MR. WIRTZ: Your Honor, may I make a request?

7 THE COURT: Sure.

8 MR. WIRTZ: May you order us to a mandatory
9 settlement conference, please?

10 THE COURT: Do you have a preference? ADR or --

11 MR. WIRTZ: Magistrate.

12 THE COURT: Magistrate judge?

13 MR. WIRTZ: Yes, please.

14 THE COURT: And I think that's Judge Oliver? I
15 could be wrong. Hang on. Yes. All right. I'm going to
16 order you to -- matter of fact, today contact Judge Oliver's
17 chambers and see if you can get on her calendar. She is
18 truly magnificent. If it can be done, she will do it.

19 Then let's change the date of February 25th to a
20 status conference date because, if Judge Oliver needs some
21 flexibility, then I want her to have all the flexibility that
22 she needs. I don't want her to be worrying about a trial
23 date. That's movable. I would prefer you stay with
24 Judge Oliver until this thing is resolved. Perhaps -- I
25 don't know if the motions in limine help you or not.

1 All right. Anyway, both -- the parties are ordered
2 to appear for a settlement -- well, a set of settlement
3 conferences, as many as necessary, before
4 Magistrate Judge Oliver, and this matter is set for a status
5 conference on February 25th, primarily to find out the status
6 of the parties' efforts to resolve this case. Anything else?

7 MR. WIRTZ: No, Your Honor. Thank you.

8 MR. STEFATOS: Your Honor, one thing from defense,
9 if you don't mind. Just so I'm clear: Is plaintiff going to
10 be the one contacting Judge Oliver and providing us with
11 available dates and meet and confer? Do we both --

12 THE COURT: You all really can't do this, can you?
13 What about you, young man? Are you so jaded you can't act
14 professionally? You can't get something jointly done? Huh?

15 MR. STEFATOS: We previously contacted each other
16 and had documents agreed upon --

17 THE COURT: Different subject.

18 MR. STEFATOS: I can work with plaintiff's counsel,
19 Your Honor.

20 THE COURT: You can? Good. Why don't you kids do
21 that. All right?

22 MS. UNDERWOOD: Thank you, Your Honor.

23 THE COURT: Take care of it. Thank you. Good-bye.

24 THE CLERK: This court is adjourned.

25 (Proceedings adjourned at 9:10 a.m.)

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CERTIFICATE

I certify that the foregoing is a correct transcript
from the electronic sound recording of the proceedings in the
above-entitled matter.

/s/ Julie Messa
Julie Messa, CET**D-403
Transcriber

July 19, 2021
Date